

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ANELI CASTREJON,)	
)	
Movant/Defendant,)	
)	
v.)	CV No.: 2:04-cv-08036-RBP-JEO
)	CR No.: 2:03-cr-00085-RBP-JEO
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM OPINION

The defendant was indicted with numerous other individuals on various drug offenses. (Doc. 1). She entered into a plea agreement with the United States of America. (Doc. 157). She pled guilty and was sentenced on October 23, 2003, to a custodial sentence of 44 months, to be followed by supervised release for 36 months. (Doc. 231). The defendant did not appeal her conviction or sentence.

On October 29, 2004, she filed a motion to vacate, set aside, or correct her sentence. (Doc. 332). In the motion, she asserts that (1) counsel “failed to show discovery, dispute money laundering charge, argue attributed drug amounts and other related acts and omissions in violation of the Sixth Amendment; (2) the court “wrongly attributed drug quantity;” (3) a violation under *Blakely v. Washington*;¹ and (4) the money laundering charge is defective. In support of these claims, she states that the foregoing are premised on a violation of *Blakely*. Along with the motion, she requested four months to submit supporting information and law. (Doc. 333). The motion was granted by a magistrate judge of this court. (Doc. 334). The defendant, however, has failed to file anything in support of her motion.

¹*Blakely v. Washington*, 542 U.S. 296, 124 S. Ct. 2531, 159 L. Ed. 2d 403 (2004).

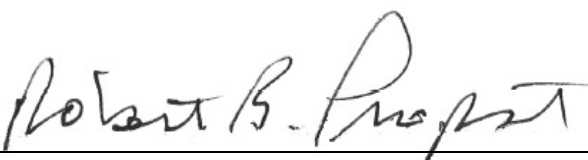
Upon consideration of the motion, the court finds that it is due to be denied. *Blakely* claims may not be raised in a post-conviction pleading such as a motion to vacate. *See Varela v. United States*, 400 F.3d 864 (11th Cir. 2005). To the extent that the defendant seeks to raise any other claims, they are unsupported by facts or argument and therefore due to be denied.

CONCLUSION

Premised on the foregoing, the defendant's motion to vacate, set aside, or correct his sentence is due to be denied. An appropriate order will be entered.

The Clerk of the Court is **DIRECTED** to serve a copy of this memorandum opinion upon the defendant and counsel of record.

DONE, this the 22nd day of December, 2005.



ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE